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LAN, TZU-HSIANG

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



## **DETAILED ACTION**

### ***Introduction***

The following is a Final office action in response to the communications received on December 14, 2009. Claims 1-20 are now pending in this application.

### ***Response to Amendment***

**As for claims 1-4**, the previous 35 U.S.C. 101 rejection is withdrawn in light of applicant's amendment.

### ***Response to Arguments***

Applicant's arguments filed 6/16/2009 have been fully considered but they are not persuasive.

In response to applicant's argument that the combination of Rosenzweig, Smith and Barton fail to teach a report include a timeliness driver that includes a turnaround time and an advance notice interval. Examiner respectfully disagrees.

Here, Barton discloses:

*report includes a cost driver and a timeliness driver (Fig 14-15d i.e. cost for a task and associated time to finish a task), wherein timeliness driver includes:*

*a turnaround time operable for identifying a total time expended between transmitting a general request and receiving a detailed response to said general request (fig 13-14 i.e. difference between invoice date and picked-up time corresponds to the turnaround time);*

*an advance notice interval operable for identify an average advance notice given to at least one of a provider to initiate an activity (figure 15 of Barton shows that a user may create custom report base on his or her need. Since Barton's disclosure is related to shipment delivery, advance notice interval can be determined by the time difference between the invoice date and system contact time with a specific shipping company).*

While citations are provided for the data implemented in the report, examiner notes that the report content and the report type are merely descriptive materials because the claimed functionality of what is done with the data is the same. i.e., the

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recited method steps would compile report with same mechanism regardless of the specific report data. Further, the structural elements remain the same regardless of the specific data. Thus, these descriptive materials will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994); *MPEP* ' 2106

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Rosenzweig with Smith and Barton because all three prior arts are analogous for discussing different aspect of reporting function relating to a reporting system. Moreover, it would be obvious to modify Rosenzweig with Smith because having a reporting system able to retrieve data and compiling report based on said data would facilitate operation effectiveness by reducing manual data transfer. Further, it would be obvious for one of ordinary skill in the art at the time of the invention to modify Rosenzweig and Smith with Barton because including cost and timeliness driver in the report because it would allow report requestor to sort through content of interest effectively. Since claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

In response to applicant's argument that the combination of Rosenzweig, Smith and Barton fail to teach a telecommunication equipment order preparation report include

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overall percentage of projects containing appendices that are billable by vendor during a period of time for review. Examiner respectfully disagrees.

Here, "telecommunication equipment order preparation report" is merely a descriptive material label for "a report"; as noted above descriptive material does not distinguish the claim invention from prior arts in terms of patentability. Fig 15 of Barton showed a report that include overall percentage of projects containing appendices that are billable by vendor during a period of time for review (i.e. 15b shows a report during a period of time for review [1-jan-99 to 31-jan-99] with total of 20 rows but only 15 rows have billable appendices; therefore overall percentage of project containing billable appendices is 75%).

It would be obvious for one of ordinary skill in the art at the time of the invention to modify Rosenzweig and Smith with Barton because claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

In response to applicant's argument that the combination of Rosenzweig, Smith and Barton fail to teach storing a template in a dynamic template database. Examiner respectfully disagrees.

Here, Rosenzweig teaches storing template in a dynamic template database (fig 4 and col.5:43-6:4).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claim 1, 3-5, 7-10, 13-17, and 20** are rejected under 35 U.S.C. 103(a) as being unpatentable over US patent 6081810 to Rosenzweig et al. ("**Rosenzweig**") in view of US patent application 2002/0147668 to Smith et al. ("**Smith**") further in view of US patent 7430517 to **Barton**.

**As to claim 1**, Rosenzweig discloses the claimed invention substantially including a computer-implemented method for providing web-based reporting services to a business (col. 4 lines 32-34) entity, said web-based services implemented on a host system (fig 3), the method comprising:

**providing a user interface to a client system in response to a request for a report** (col. 4 line 28 – col. 5 line 15 i.e. browser with user interface), **said report specifying a report type** (col. 3 lines 1-24 i.e. every report associate with a report type);

**providing a requester with a template only if said requester is authorized to receive said report** (col. 4 lines 38-60 user interface for requesting report corresponds to template);

**prompting said requester to enter request data in said template** (col. 6 lines 5-36 i.e. report type, date, and possibly a segment which requester wishes to view);

**upon receiving said request data, searching a database for a dataset corresponding to said request data** (col. 5 lines 5-14 receiving request data such as vender index, then search database for data set corresponding to said request);

**if said dataset is found, retrieving at least one order from said database in accordance with a report type requested** (Fig. 1 i.e. an order from a specific vendor is retrieved from data base accordance with a report type account payable); and

**making said report available to said requester over a web-based network** (col. 6 lines 5-14 and col. 6 lines 5-36);

**wherein said report type comprises at least one of: a cost report** (Fig. 1); **and a custom search report** (Fig 1, and col. 6 lines 5-36). Since applicant used the language “at least one of,” teaching of one report will be sufficient to address this limitation.

While Rosenzweig discloses all the limitations above, Rosenzweig fail to explicitly discloses the following limitations, however,

Smith discloses:

*Retrieving budget data related to said at least one order* (Smith, Fig 5a-5f, ¶ 46-47, and ¶ 59-63); and

*Compiling a report on said host system using said at least one order and said budget data* (Smith, Fig 5a-5f, ¶ 46-47, and ¶ 59-63).

Barton discloses:



*report includes a cost driver and a timeliness driver (Fig 14-15d i.e. cost for a task and associated time to finish a task), wherein timeliness driver includes:*

*a turnaround time operable for identifying a total time expended between transmitting a general request and receiving a detailed response to said general request (fig 13-14 i.e. difference between invoice date and picked-up time corresponds to the turnaround time);*

*an advance notice interval operable for identify an average advance notice given to at least one of a provider to initiate an activity (figure 15 of Barton shows that a user may create custom report base on his or her need. Since Barton's disclosure is related to shipment delivery, advance notice interval can be determined by the time difference between the invoice date and system contact time with a specific shipping company).*

*generate a timeliness report (fig 15), an equipment order preparation report (fig 10-15 i.e. equipment deliver preparation report), and a driver report (fig 10-15 i.e. time driver report by delivery time)*

While citations are provided for the report content, examiner note that the report content and the report type will be considered as descriptive material because the claimed functionality of what is done with the data is the same. I.e., the recited method steps would be performed the same regardless of the specific report data. Further, the structural elements remain the same regardless of the specific data. Thus, these descriptive materials will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994); MPEP ' 2106

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Rosenzweig with Smith and Barton because all three prior arts are analogous for discussing different aspect of reporting function relating to a reporting system. Moreover, it would be obvious to modify Rosenzweig with Smith because having a reporting system able to retrieve data and compiling report based on said data would facilitate operation effectiveness by reducing manual data transfer. Further, it would be obvious for one of ordinary skill in the art at the time of the invention to modify Rosenzweig and Smith with Barton because including cost and timeliness driver in the report because it would allow report requestor to sort through content of interest effectively. Since claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Although Rosenzweig, Smith and Barton disclose all the limitations above, they fail to explicitly teach following limitations, however, official notice was previously taken, now consider as admitted prior art that “returning error message when dataset is not found” is old and well known at the time of invention for a system to return an error message when certain dataset is missing or can not be retrieved.

**As to claim 3**, see the discussion in claim 1 above. Rosenzweig, Smith and Barton further disclose:

in-place cost factors operable for identifying a total cost for an order or project including any labor costs, said total cost relating to standard activities performed by, and on behalf of, an enterprise (Smith, Fig 5a-5f, ¶ 46-47, and ¶ 59-63 i.e. labor cost and material cost);

custom detail costs operable for identifying expenditures that relate to non-standard activities performed by, and on behalf of, said enterprise (Smith, Fig 5a-5f, ¶ 46-47, and ¶ 59-63 i.e. permit cost); and

miscellaneous costs operable for identifying costs that are not related to said in-place cost factors and said custom detail costs (Smith, Fig 5a-5f, ¶ 46-47, and ¶ 59-63 i.e. subcontractor cost).

In-place cost factor, custom detail costs, and miscellaneous cost are cost allocation based on enterprise management's discretion. In the example provided by Smith, examiner interprets labor and material cost as in-place cost relating to standard activities performed by an enterprise; permit cost is interpreted as non-standard activities performed by said enterprise; and subcontractor cost is interpreted as no related to in-place cost and custom detail cost. However, one with ordinary skill in the art at the time of the invention would be able to allocate cost differently if one so desires to do so, because cost categorization is well known in the art at the time of the invention.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Rosenzweig and Barton with Smith since claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

**As to claim 4**, see the discussion in claim 1 above. Rosenzweig, Smith and Barton further disclose:

a completion date met operable for identifying timeliness of completion of activities performed (Barton, Fig 14 – 15d, i.e. delivered date for task completion).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Rosenzweig, Smith, with Barton because incorporating a completion date would provide more detailed information for tracking contractor's performance; hence, assist future contractor selection for the enterprise.

**As to claim 5**, Rosenzweig, Smith and Barton disclose the claimed invention substantially. All the limitations of claim 5 are of the same scope as the limitations of claim 1, and are therefore rejected on the same basis, with following noted exceptions. Claim 5 recites a storage medium encoded with machine-readable computer program code to carry out method steps of claim 1. ¶ 35-39 of Smith discloses a computer readable medium such as CD-Rom or RAM capable of storing instruction of claim 1 and carry out method steps of claim 1 when executed by a computer.

**As to claim 7**, see the discussion in claim 5 above. All the limitations of claim 7 are of the same scope as the limitations of claim 3, and are therefore rejected on the same basis.

**As to claim 8**, see the discussion in claim 5 above. All the limitations of claim 8 are of the same scope as the limitations of claim 4, and are therefore rejected on the same basis.

**As to claim 9**, Rosenzweig, Smith and Barton disclose the claimed invention substantially. All the limitations of claim 9 are of the same scope as the limitations of claim 1, and are therefore rejected on the same basis, with following noted exceptions. Claim 9 recite a system for providing web-based reporting services to a telecommunications entity, comprising:

A computer processing device in communication with at least one client system via communications network, said computer processing device including a server and a data repository storing databases of budget data and order data;

wherein said server executes web server software, a budget tool, and an ordering tool;

a user interface accessible to said at least one client system, said user interface including templates operable for entering report request data by a user of said at least one client system.

Rosenzweig, Smith and Barton further disclose a system for providing web-based reporting services to a telecommunication entity (col. 4 lines 32-34 i.e. business entity) comprising:

**a computer processing device in communication with at least one client system via communications network, said computer processing device including a server and a data repository storing databases of budget data and order data** (Rosenzweig, fig 3-4, col. 4 lines 28-40 shows computer processing device, and Figure 1 shows data includes budget and order data);

**wherein said server executes web server software, a budget tool, and an ordering tool** (Smith, ¶ 39-45, and Fig 1b-5a);

**a user interface accessible to said at least one client system** (col. 4 line 28 – col. 5 line 15 i.e. browser with user interface. Client system show in Fig 3-4), **said user interface including templates operable for entering report request data by a user of said at least one client system** (Rosenzweig, col. 4 lines 38-60 i.e. user interface for requesting report corresponds to template or Barton, Fig 15-16).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Rosenzweig with Smith and Barton since claimed invention is merely a combination of old elements for operating a reporting system, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

**As to claim 10**, see the discussion in claim 9 above. All the limitations of claim 10 are of the same scope as the limitations of claim 1, and are therefore rejected on the same basis.

**As to claim 13**, see the discussion in claim 9 above. All the limitations of claim 13 are of the same scope as the limitations of claim 4, and are therefore rejected on the same basis.

**As to claim 14**, see the discussion in claim 10 above. Rosenzweig, Smith and Barton further disclose:

A summary cost report including an average and total for all field selected in said report request (Barton, Fig 15B); and

A detail cost report including a line-by-line itemization for reach project for all fields selected in the report request (Barton, Fig 15B).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Rosenzweig and Smith with Barton since claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

**As to claim 15**, see the discussion in claim 14 above. All the limitations of claim 15 are of the same scope as the limitations of claim 3, and are therefore rejected on the same basis.

**As to claim 16**, see the discussion in claim 10 above. Rosenzweig, Smith and Barton further disclose an equipment ordering report (Fig 15a-15d i.e. shipment for equipment) incorporating projects or orders containing appendices that are billable by vendor during a period of time for review (Barton, Fig 15A -15B).

Rosenzweig, Smith and Barton do not disclose an overall percentage of projects contain appendices. However, an official notice was previously taken, now consider as admitted prior art that it was old and well known at the time of the invention to derive a percentage of projects from a total project by dividing project with appendices over total number of projects. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate an overall percentage of project contain appendices to facilitate monitoring of projects in relationship with equipment orders.

Although Rosenzweig, Smith and Barton do not explicitly disclose that ordering report is specific towards telecommunication equipment, it would have been obvious to one of ordinary skill in the art at the time of the invention to apply this feature in telecommunication equipment order because in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.



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**As to claim 17**, see the discussion in claim 16 above. Rosenzweig, Smith and Barton further disclose that equipment order preparation report further includes field of data including:

a state (Barton, Fig 15B); and

an order count (Barton, Fig 15B i.e. total number of BOL#);

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Rosenzweig and Smith with Barton since claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

**As to claim 20**, see the discussion in claim 1 above. Rosenzweig further teaches storing template in a dynamic template database (fig 4 and col.5:43-6:4).

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**Claim 2, 6, and 11** are rejected under 35 U.S.C. 103(a) as being unpatentable over US ("Rosenzweig") in view of ("Smith"), in view of **Barton** and further in view of US patent publication 20040073434 to Volquardsen et al. ("**Volquardsen**")

**As to claim 2**, see the discussion in claim 1 above. Rosenzweig, Smith, and Barton do not explicitly disclose associating model data with order and budget report. Volquardsen discloses:

Retrieving model-based ordering system data and compiling a report using model-based order system data with at least one order and said budget (Fig 18b-20 i.e. parts number correspond to model data, and each model order has a listing price corresponds to budget, and an order).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Rosenzweig, Smith, and Barton with Volquardsen because incorporating model data with budget and order information would provide more detailed expense report for company's budget analysis.

**As to claim 6**, see the discussion in claim 5 above. All the limitations of claim 6 are of the same scope as the limitations of claim 2, and are therefore rejected on the same basis.

**As to claim 11**, see the discussion in claim 9 above. All the limitations of claim 11 are of the same scope as the limitations of claim 2, and are therefore rejected on the

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same basis, with following noted exceptions. Claim 11 recites model-based ordering system data stored in said data repository; wherein said report type is model report.

Volquardsen further disclose:

Model-based ordering system data stored in data repository (Fig 1b, ¶ 74-77);

Wherein said report type is model report (Fig 20).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Rosenzweig, Smith, and Barton with Volquardsen since claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

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**Claims 12** is rejected under 35 U.S.C. 103(a) as being unpatentable over US patent 6081810 to Rosenzweig et al. ("**Rosenzweig**") in view of US patent publication 2002/0147668 to Smith et al. ("**Smith**"), in view of US patent 7430517 to **Barton** and further in view of US patent publication 20040186763 to Charles Smith. ("**Charles**")

**As to claim 12**, see the discussion in claim 10 above. Rosenzweig, Smith and Barton further disclose that timeliness report includes information relating to overall ordering that transpire between an enterprise and its vendors and contractors (Rosenzweig, Figure 1).

However, Rosenzweig, Smith, and Barton do not disclose that timeliness report includes engineering and install process information.

Charles discloses:

Incorporating engineering (Fig 10, procedure column, such as switchgear transfer) and install process (Fig 10; job status complete or in process) with ordering (Fig 10, job No.) that transpire between an enterprise and its vendors and contractors (Fig 10, multiple clients).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Rosenzweig, Smith, and Barton with Charles because additional information presents more comprehensive report for the enterprise evaluation.

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**Claim 18-19** are rejected under 35 U.S.C. 103(a) as being unpatentable over US patent 6081810 to Rosenzweig et al. ("**Rosenzweig**") in view of US patent publication 2002/0147668 to Smith et al. ("**Smith**"), in view of US patent 7430517 to **Barton**, in view of US patent 5799286 to Morgan et al. ("**Morgan**")

**As to claim 18**, see the discussion in claim 10 above. Rosenzweig, Smith, and Barton do not explicitly show a driver type report. However, Morgan discloses driver type report (Fig 18A-18B) including:

remote terminals (Morgan, fig. 11 and col.6:37-53 i.e. site attribute data include a variety of site-specific information).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Rosenzweig, Smith, and Barton with Morgan since claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

**As to claim 19**, see the discussion in claim 18 above. Rosenzweig, Smith, Barton, and Morgan further disclose that said driver report includes:

an overall driver summary report providing aggregated total model usage and related dollar expenditures for a respective driver (Morgan, Figure 18A-B and Table J i.e. total model usage equal to over all equipment usage); and

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showing report during a requested period of time (Barton, Figure 15)

It would have been obvious to one of ordinary skill in the art at the time of the invention to combined overall driver summary report disclosed by Morgan with showing of requested time period disclosed by Barton and derive the claimed limitation since claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

***Conclusion***

1. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TZU-HSIANG (SEAN) LAN whose telephone number is (571)270-7054. The examiner can normally be reached on Monday-Friday 8am-4pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Beth V. Boswell can be reached on (571)272-6737. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/TZU-HSIANG (SEAN) LAN/  
Examiner, Art Unit 3623

/Beth V. Boswell/

Supervisory Patent Examiner, Art Unit 3623